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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,978	10/10/2003	Ralph E. Deem JR.	10606	1845
36493	7590	03/24/2005	EXAMINER	
R. MICHAEL WEST LAW OFFICES OF R. MICHAEL WEST, A PROFESSIONAL CORPORATION 455 CAPITOL MALL; SUITE 405 SACRAMENTO, CA 95814-4603			ZEC, FILIP	
			ART UNIT	PAPER NUMBER
			3744	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/683,978	Applicant(s) DEEM, RALPH E.	
	Examiner Filip Zec	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-16 is/are rejected.  
 7) ☒ Claim(s) 6 is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 10 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10 October 2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. The terms "sufficiently" and "substantially" in claims 2 and 10, are relative terms which render the claims indefinite. The terms "sufficiently strong" and "substantially deforming", respectively, are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,901,880 to Clarke, in view of U.S. Patent 3,688,950 to Parish and U.S. Patent 5,368,197 to Sutera. Clarke discloses applicant's basic inventive concept, an adapter (38, col 2, lines 15-20)

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for drawing water (32, FIG. 1), having a water supply line (28 and 30) defining a feed portion (30) extending into a bottled water dispenser and a delivery portion (28) extending outside a bottled water dispenser, said supply line made of plastic tubing (col 2, line 48), substantially as claimed with the exception of stating that the source of the water is a bottled water dispenser, having an upper rim surrounding an opening and comprising a bottle support ring (support means), said ring being sized and configured to rest over the upper rim of the bottled water dispenser, said water supply line passing transversely through said support ring, said support ring providing a seal between a shoulder of the bottle and the upper rim of the dispenser and specifying that the adapter is strong enough to support the water tank. Sutera shows a bottled water dispenser (10, FIG. 1), having an upper rim (38, FIG. 2) surrounding an opening (32, FIG. 2) and a seal (40, FIG. 2) between a shoulder of the bottle (14, FIG. 2) and the upper rim (38, FIG. 2) of the dispenser and an adapter (218, FIG. 9) strong enough to support the water bottle (col 10, lines 23-25) to be old in the water dispensing art. Parish shows a bottled water dispenser (10, FIG. 2) comprising a bottle support ring (34, FIG. 3), said ring being sized and configured to rest over the upper rim (14, FIG. 3) of the bottled water dispenser and a water supply line (56), said line passing transversely through said support ring (see FIG. 3), to be old in the water dispensing art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teaching of Sutera and Parish to modify the system of Clarke, by modifying an adapter for a water supply line in order to fit a differently set up water cooler without having to drill additional holes in the side of the lower part of the tank.

6. Claims 4-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,901,880 to Clarke, in view of U.S. Patent 3,688,950 to Parish, U.S. Patent 5,368,197 to Sutera

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and U.S. Patent 4,987,746 to Roberts. Clarke discloses applicant's basic inventive concept, an apparatus and method for providing bottled water to a refrigerator, comprising a water utilization accessory (20, 22, 24, 26, 50, FIG. 1) inside the refrigerator (80, abstract), said accessory having a water delivery system (10) with a water recharge line (28), an electrical control circuit (50) providing electrical output (62, 64) for a predetermined period of time in response to a detected (48) deficiency of water within said accessory or on demand (col 1, line 45) and a water pump (24) responsive to said electrical output of said control circuit (62, 64), an adapter (38, col 2, lines 15-20) for drawing water (32, FIG. 1), having a water supply line (28 and 30) defining a feed portion (30) extending into a bottled water dispenser and a delivery portion (28) extending outside a bottled water dispenser, said supply line made of plastic tubing (col 2, line 48), substantially as claimed with the exception of stating that the source of the water is a bottled water dispenser, having an upper rim surrounding an opening and comprising a bottle support ring (support means), said ring being sized and configured to rest over the upper rim of the bottled water dispenser, said water supply line passing transversely through said support ring, said support ring providing a seal between a shoulder of the bottle and the upper rim of the dispenser and said pump further having a hydraulic input and a hydraulic output, said hydraulic output being connected to said water recharge line, said water supply line extending between said reservoir of water and said hydraulic input of said water pump, a solenoid for controlling the pressurized water input, a pump bracket, said accessory is an ice maker or a water chiller and specifying that the adapter is strong enough to support the water tank. Sutura shows a bottled water dispenser (10, FIG. 1), having an upper rim (38, FIG. 2) surrounding an opening (32, FIG. 2) and a seal (40, FIG. 2) between a shoulder of the bottle (14, FIG. 2) and the upper rim (38,

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FIG. 2) of the dispenser and an adapter (218, FIG. 9) strong enough to support the water bottle (col 10, lines 23-25) to be old in the water dispensing art. Parish shows a bottled water dispenser (10, FIG. 2) comprising a bottle support ring (34, FIG. 3), said ring being sized and configured to rest over the upper rim (14, FIG. 3) of the bottled water dispenser and a water supply line (56), said line passing transversely through said support ring (see FIG. 3), to be old in the water dispensing art. Roberts shows a pump (180, FIG. 7) with a pump bracket (33 and 37, FIG. 3) having a hydraulic input (16) and a hydraulic output (156), said hydraulic output being connected to said water recharge line (at check valve 18), a solenoid (154) for controlling a pressurized water input and an accessory to receiving said bottled water to be an ice maker or a water chiller (abstract) to be old in the refrigeration art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teaching of Sutura, Parish and Roberts to modify the system of Clarke, by modifying an adapter for a water supply line in order to fit a differently set up water cooler without having to drill additional holes in the side of the lower part of the tank and by adding controlled pressure to the already purified water supply to provide pressurized water as the end product for the user.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,179,168 to Desrosiers, Andre et al. teaches a water heating system for water dispensing fountains.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Filip Zec whose telephone number is (571) 272-4815. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel can be reached on (571) 272-4808. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Filip Zec  
Examiner  
Art Unit 3744

*Cheryl J. Tyler*  
**CHERYL J. TYLER**  
**PRIMARY EXAMINER**

FZ